1713
#4
BH
9/24/01

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on September 13, 2001.

Eric M. Barzee
Attorney for Applicants

PATENT APPLICATION
Docket No. 4250.2.6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	José A. Olivares et al.	)
Serial No.:	09/771,277	)
Filing Date:	January 26, 2001	)
For:	PARTICLE SIZER AND DNA SEQUENCER	)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner
for Patents
Washington, D.C. 20231

Sir:

This Information Disclosure Statement discloses information which has come to the attention of applicants and/or their attorneys and is being submitted so as to comply with the duty of disclosure set forth in 37 C.F.R. § 1.56. In accordance with 37 C.F.R. § 1.97(b), this Statement is being filed within three (3) months of the filing date of the above-identified application or before the mailing date of a first Action on the merits.

Neither applicants nor their attorneys make any representation that any information disclosed herein may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103. Moreover, pursuant to 37 C.F.R. § 1.97, the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made or as an admission that the

information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

In accordance with 37 C.F.R. § 1.98, this Information Disclosure Statement includes and is accompanied by:

1. A completed copy of Form PTO-1449 listing the patents, publications and other information being submitted for consideration; and

2. A legible copy of each patent, publication and other item of information in written form listed on the enclosed Form PTO-1449.

NON-ENGLISH INFORMATION

Pursuant to 37 C.F.R. § 1.98, following is a concise explanation of the relevance (as it is presently understood by the individual designated in 37 C.F.R. § 1.56(c) most knowledgeable about the content of the information), of each listed patent, publication or other information that is not in the English language:

1. *International Application No. WO 99/39192 published August 5, 1999* discloses: The invention concerns a multiple capillary electrophoresis system comprising a plurality of juxtaposed capillaries, at least one source for transmitting a beam designed to excite the molecules present on its path and inside the capillaries, means for detecting the fluorescence of the molecules excited by said beam. The invention is characterised in that said means are arranged so as to detect the light emerging at the output of said capillaries and propagated along a direction wherein said capillaries extend and the detection means resolution is sufficient for distinguishing the light emerging at the output of the capillaries from that coming from the walls thereof and/or their surrounding medium.

2. *Japanese Patent Application No. 10019846 published January 23, 1998* discloses:

PROBLEM TO BE SOLVED: To obtain a multicapillary electrophoretic apparatus by which more capillaries can be observed simultaneously.

SOLUTION: A sample which is injected from the upper end of every capillary 1a is migrated

downward inside every capillary 1a by a migration voltage which is applied from a power supply 10. During its migration, a linear exciting beam 4 is irradiated, the sample is excited by the laser beam 4 when it is passed through a part irradiated with the laser beam, and fluorescence is emitted. A part of the fluorescence is reflected totally by the surface of every capillary 1a, the fluorescence is not radiated from the side face of every capillary 1a, it is propagated to the length direction of every capillary 1a, and it is radiated from the lower end of every capillary 1a. The fluorescence which is radiated from the lower end of every capillary 1a is reflected by a mirror 24, it is condensed by a lens 5a and a lens 5b, and it is distinguished from background light and exciting light by an optical filter 6 so as to be guided to a detector 7. The output of the detector 7 is input to a computer 8 so as to be processed, and migration waveform data on every capillary 1a is obtained.

Respectfully submitted,

Eric M. Barzee

Eric M. Barzee
Reg. No. 45,911
Attorney for Applicants

Date: September 13, 2001

MADSON & METCALF
Gateway Tower West
15 West South Temple, Suite 900
Salt Lake City, Utah 84101
Telephone: 801/537-1700